

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**Case No. 5:22-00068-BO**

YOLANDA IRVING, individually and as the natural parent and guardian of J.I., JUWAN HARRINGTON, CYDNEEA HARRINGTON, KENYA WALTON, individually and as the natural parent and guardian of R.W., ZIYEL WHITLEY, DYAMOND WHITLEY, KAMISHA WHITLEY, and NANETTA GRANT as the natural parent and guardian of Z.G.,

Plaintiffs,

v.

THE CITY OF RALEIGH, Officer OMAR I. ABDULLAH, Sergeant WILLIAM ROLFE, Officer RISHAR PIERRE MONROE, Officer JULIEN DAVID RATTELADE, and Officer MEGHAN CAROLINE GAY, Chief of Police ESTELLA PATTERSON, and City Manager MARCHELL ADAMS-DAVID, in their official capacities,

Defendants.

**INDIVIDUAL DEFENDANTS’  
SECOND MOTION FOR  
EXTENSION OF TIME TO FILE  
REPLIES IN SUPPORT OF  
MOTIONS FOR SUMMARY  
JUDGMENT**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, Defendants Omar I. Abdullah (“Defendant Abdullah”), William Rolfe (“Defendant Rolfe”), Officer Rishar Pierre Monroe (“Defendant Monroe”), Officer Julien David Rattelade (“Defendant Rattelade”), and Officer Meghan Caroline Gay (“Defendant Gay”), (collectively “Individual Defendants”), by and through counsel, hereby move the Court for an extension of time, up to and including fourteen (14) days after this Court’s Order concerning the parties’ request for approval of minor settlement (to the extent that such Order declines to approve such settlement), in which to file Replies in support

of their Motions for Summary Judgment. In support of this Motion, Individual Defendants refer to and incorporate by reference their original Motion for Extension of Time to File Replies in Support of Motions for Summary Judgment (D.E. 258), and further show the Court the following:

1. On or about May 23, 2023, Plaintiffs and Defendant City of Raleigh reached a tentative agreement on settlement, intended to result in, among other things, releases and dismissals of all claims against the Individual Defendants.

2. On or about June 5, 2023, this Court granted the Individual Defendants' Motion for Extension of Time to File Replies in Support of Motions for Summary Judgment (D.E. 258) in order to allow for the tentative settlement reached by Plaintiffs and the Defendant City of Raleigh on May 23, 2023 to become final, as it would moot the Individual Defendants' Motions for Summary Judgment.

3. Since June 5, 2023, Plaintiffs and the Defendant City of Raleigh have, upon information and belief, worked diligently towards finalizing the aforementioned tentative settlement, including receiving the requisite city council approval of such settlement as well as the filing of a proposed Order of Approval of Minor Settlement pertaining to the Plaintiffs' intended distribution and allocation to Minor Plaintiff J.I. from the agreed upon settlement funds (D.E. 260-1).

4. Upon information and belief, this Court's approval of the intended settlement distribution and allocation to Minor Plaintiff J.I., dismissal of J.I.'s claims and the filing of a Stipulation of Voluntary Dismissal of all other claims are all that remain to finalize settlement and allow the payment of all settlement funds to Plaintiffs and the filing of a Stipulation of Voluntary Dismissal of all claims.

5. Accordingly, the Individual Defendants request up to and including fourteen (14)

days after this Court's order concerning the parties' request for approval of Minor Plaintiff J.I.'s settlement in which to file Replies, if any, in support of their Motions for Summary Judgment.

6. Pursuant to Local Civil Rule 6.1, counsel has consulted with Counsel for Plaintiffs regarding this Motion and Plaintiffs consent to the extension requested herein.

7. This Motion is made in good faith and not for purposes of delay. No party will be prejudiced by the requested extension.

8. A proposed Order granting this Motion is submitted contemporaneously herewith.

WHEREFORE, Defendants Omar I. Abdullah, William Rolfe, Officer Rishar Pierre Monroe, Officer Julien David Rattelade, and Officer Meghan Caroline Gay hereby request that the Court issue an Order granting the relief requested herein and extending the time within which Individual Defendants must file Replies in support of their Motions for Summary Judgment to fourteen (14) days after this Court's order concerning the parties' request for approval of Minor Plaintiff J.I.'s settlement.

Respectfully submitted, this the 14th day of July, 2023.

/s/ Jason R. Benton

Jason R. Benton

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on this date, the foregoing “*Individual Defendants’ Second Motion for Extension of Time to File Replies in Support of Motions for Summary Judgment*” was electronically filed with the Clerk of Court using the CM/ECF system and served upon counsel of record via the Court’s electronic case filing system.

This the 14th day of July, 2023.

/s/ Jason R. Benton

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